



# **VIOLENCE PREVENTION IN THE WORKPLACE**

**REGIONAL HEALTH AND SAFETY CONFERENCE**

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# VIOLENCE PREVENTION IN THE WORKPLACE

## Purpose of Part II of the *Canada Labour Code*

 Human Resources and Development Canada / Ressources humaines et Développement des compétences Canada

Fair, safe and productive workplaces

### Labour

#### Information on OCCUPATIONAL HEALTH AND SAFETY

#### 1 SUMMARY

##### INTRODUCTION

In the past 10 years, in both federal and provincial jurisdictions, approximately 1,000 Canadian workers have died each year as a result of work place accidents or occupational diseases. Although the injury rate is declining, the annual costs for compensation to injured workers has been billions of dollars.

Work place health and safety is a serious matter. Part II of the *Canada Labour Code* relates to occupational health and safety and reflects the desire to reduce work place injuries and accidents in federal jurisdiction.


The objective of this overview is to offer a simplified version of the major responsibilities for occupational health and safety for both employers and employees subject to the *Canada Labour Code*. It is not a legal reference. Anyone wishing to interpret the law should refer to the *Canada Labour Code* and to the corresponding *Canada Occupational Health and Safety Regulations*.

1. What is the purpose of the legislation?

The purpose of Part II of the *Canada Labour Code* is to prevent work place related accidents and injury including occupational diseases.

When considering the control of work place hazards, preventative measures should consist first of the elimination of the hazards, then the reduction of the hazards and finally, where necessary, the provision of personal protective equipment.

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- to “prevent accidents and injury to health arising out of, linked with or occurring in the course of employment at federally regulated employers”
- One of the issues covered by Part II of the Code and by the related *Canada Occupational Health and Safety Regulations* is the matter of violence in the workplace.

# VIOLENCE PREVENTION IN THE WORKPLACE



Paragraph 125(1)(z.16) of the *Canada Labour Code* requires employers under federal jurisdiction to “take the prescribed steps to prevent and protect against violence in the work place.”



Part XX of the *Canada Occupational Health and Safety Regulations*, “Violence Prevention in the Work Place,” contains the prescribed steps that must be implemented.

# VIOLENCE PREVENTION IN THE WORKPLACE

## Purpose of the Regulations



- to ensure that employers take measures to prevent or minimize the occurrence of violence in the workplace
- to ensure that workers are protected against workplace violence
- that workers have a recourse when violence occurs
- that workers can find assistance if they happen to be exposed to violence



# VIOLENCE PREVENTION IN THE WORKPLACE



## Regulations covers violence

- occurring in the course of employment
- over which the employer has control
- whether this employment takes place within or outside the workplace



## Violence in the workplace includes:

- acts between workers
- acts between workers and non-workers

# VIOLENCE PREVENTION IN THE WORKPLACE

## Definition of “Workplace violence”



- any action, conduct, threat or gesture
- of a person towards an employee in their workplace
- that can reasonably be expected to cause harm, injury or illness to that employee



# Steps to Preventing Workplace Violence

## Step 1

- Establish the framework for consultation with and the participation of the policy committee (if none then workplace committee or health and safety representative)

## Step 2

- Develop and post at a place accessible to all employees a workplace violence prevention policy

## Step 3

- Identify all factors that contribute to workplace violence

## Step 4

- Assess the potential for workplace violence



# Steps to Preventing Workplace Violence

## Step 5a

- Implement systematic controls as soon as practicable, but not later than 90 days after assessment, to eliminate or minimize the risk of workplace violence

## Step 5b

- Establish and implement procedures for follow-up maintenance of corrective measures, including measures to respond to unforeseen risk of workplace violence

## Step 6

- Review the effectiveness of the workplace violence prevention measures and update them whenever there is a change that compromises the effectiveness of those measures, but at least every three years





# STEP 1: Consultation and Participation

The committee members need to:

- understand what constitutes workplace violence
- be able to identify the factors that may contribute to violence in the workplace in order to participate in workplace inspections and similar tasks
- understand the issues of privacy and confidentiality related to the prevention of violence in the workplace
- Once members of the committee have been trained in prevention of workplace violence, the employer may then choose, to deliver the general employee training on workplace violence prevention



# STEP 2: Workplace Violence Prevention Policy

## Section 20.3

The employer shall develop and post at a place accessible to all employees a work place violence prevention policy setting out, among other things, the following obligations of the employer:

- (a) to provide a safe, healthy and violence-free work place;
- (b) to dedicate sufficient attention, resources and time to address factors that contribute to work place violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;
- (c) to communicate to its employees information in its possession about factors contributing to work place violence; and
- (d) to assist employees who have been exposed to work place violence.



# STEP 3: Identification of Factors that Contribute to Workplace Violence

## Section 20.4

The employer shall identify all factors that contribute to work place violence, by taking into account, at a minimum, the following:

- (a) its experience in dealing with those factors and with work place violence;
- (b) the experience of employers in dealing with those factors and with violence in similar work places;
- (c) the location and circumstances in which the work activities take place;
- (d) the employees' reports of work place violence or the risk of work place violence;
- (e) the employer's investigation of work place violence or the risk of work place violence; and
- (f) the measures that are already in place to prevent and protect against work place violence.



# STEP 3: Identification of Factors that Contribute to Workplace Violence

## Common factors that contribute to workplace violence include:

- threatening behaviour towards others, including threats made verbally or in writing (e.g., in emails)
- Bullying
- intentional harmful teasing
- aggressive behaviour in the work place
- intentional damage of property belonging to others



## STEP 4: Assessment

- In the identification step you have made an inventory of all the factors that may contribute to the potential for violence
- These factors must be assessed in order to establish an order of priority
- This way, you can also prioritize your prevention measures, without losing sight of the final objective, which is to control them all



## STEPS 5a and 5b: Controls

- Regardless of the controls proposed, follow-up maintenance is mandatory
- Helps to determine whether further corrective action is needed to improve the controls that are already in place



## STEP 6: Prevention Measures Review

- The review may take place more often if there is a change that compromises the effectiveness of the prevention measures
- Example, if a client service counter was installed to act as a barrier but an incident occurs when a client climbs over the counter, the prevention measures need to be reviewed and adjusted accordingly



# Procedures - Response to Workplace Violence

- Procedures could include a statement that any physical assault in the workplace is to be reported to the police
- Employer should call the police in case of uncertainty and the police would then decide whether the incident is a matter for them to handle
- If the employees involved do not wish to contact the police, it remains the responsibility of the employer to make the final decision regarding police involvement
- If the employees involved request to have the police notified, the employer must do so





# Notification and Investigation

## Section 20.9

- (1) In this section, “competent person” means a person who:
- (a) is impartial and is seen by the parties to be impartial;
  - (b) has knowledge, training and experience in issues relating to work place violence; and
  - (c) has knowledge of relevant legislation.



# Notification and Investigation

- The individuals investigating the incident must not disclose any information whose disclosure is prohibited by law
- The employer will provide the workplace committee with the report from the competent person revealing only the information whose disclosure is not prohibited by law
- Example: if the violent occurrence involved a human rights violation such as sexual harassment, this would not be disclosed



# Workplace Training

- Identification of training needs is key in preventing violence in the workplace
- If there are any skills that employees must learn to prevent or avoid workplace violence, they must be trained in these skills
- At a minimum, training should include the contents of the workplace violence policy
- If the employees cannot be trained all at once, the priority should go to training for employees who are considered to face a higher risk

